

AFFIDAVIT

1. I, Robert Roth, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

2. I am a Special Agent with the Federal Bureau of Investigation (“FBI”) assigned to the FBI’s Philadelphia Field Office. I have been a Special Agent with the FBI since 2021. I have received training in interviewing and interrogation techniques, arrest procedures, search and seizure, computer crimes, intellectual property and other white-collar crimes, search warrant applications, conducting physical surveillance, conducting short- and long-term undercover operations, consensual monitoring, analyzing telephone and electronic pen register and caller identification, system data, basic narcotics investigations, drug identification, detection, interdiction, United States narcotics laws, financial investigations, identification and seizure of drug related assets, undercover operations, and electronic and physical surveillance procedures at the Federal Bureau of Investigation Academy in Quantico, VA.

3. I am an “investigative or law enforcement officer” within the meaning of 18 U.S.C. § 2510; that is, an officer of the United States of America who is empowered to investigate and make arrests for offenses alleged in this warrant. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter. The information contained in this affidavit is based upon my personal knowledge, information provided to me by other investigators, officers, witness and victim interviews.

PURPOSE OF AFFIDAVIT

4. This affidavit is made in support of criminal complaints and arrest of WANDERIS DE LA CRUZ (DOB:05/22/2000) for violations of 18 U.S.C § 1791(a)(1)(d)(1)(c) (Providing, Attempting to Provide, or Possessing Contraband in Prison). Based on the facts set forth in this affidavit, there is probable cause to believe that a violation of 18 U.S.C § 1791(a)(1), (d)(1)(C) (the “Target Offenses”) has been committed by DE LA CRUZ.

5. This Affidavit is intended to show merely that there is sufficient probable cause for the requested complaint and warrant and does not set forth all of my knowledge about this matter. The facts set forth in this affidavit are based upon my personal observations, my training and experience, and information obtained from various law enforcement personnel and witnesses. I have not included each and every fact known to me concerning this investigation. Additionally, unless otherwise indicated, wherever in this Affidavit I assert that an individual made a statement, that statement is described in substance herein and is not intended to be a verbatim recitation of such statement. Furthermore, unless otherwise indicated, all statements contained in this Affidavit are summaries in substance and in part. The following is true to the best of my knowledge and belief.

PROBABLE CAUSE

6. On July 18, 2024, at approximately 12:59 PM, I received a phone call from Bureau of Prisons - Federal Detention Center (“FDC”) Philadelphia Special Investigative Services informing me that a female, identified as WANDERIS DE LA CRUZ, had attempted to pass FDC Philadelphia inmate Yohauris Rodriguez-Hernandez (“Rodriguez-Hernandez”) Buprenorphine and Naloxone 8mg Sublingual films, commonly referred to as its brand name Suboxone.

7. FDC Philadelphia staff were monitoring CCTV of DE LA CRUZ's visit with Rodriguez-Hernandez, who is DE LA CRUZ's mother. CCTV footage from captured DE LA CRUZ removing something from her front right pants pocket and placing it inside a napkin. DE LA CRUZ maintained control of the napkin, passing it from one hand to another over approximately 20 minutes. During this period, DE LA CRUZ stood and left the frame of the camera, but returned still clutching the napkin. SIS Officer William Brandt then approached DE LA CRUZ and questioned her about what she had in her hand. After being notified that she would be searched, DE LA CRUZ surrendered the 18 Buprenorphine and Naloxone 8mg Sublingual (Suboxone) films wrapped in plastic to Officer Brandt.

8. FDC Philadelphia SIS staff seized, documented, packaged and secured the 18 Buprenorphine and Naloxone 8mg Sublingual films from DE LA CRUZ.

9. DE LA CRUZ was arrested by Agent Roth and transported to FBI Philadelphia Headquarters located at 600 Arch Street, Philadelphia, PA, for processing. DE LA CRUZ was issued her Miranda warnings, after waiving the warnings she consented to speaking with Agents. The interview with DE LA CRUZ was recorded via audio and video. Below is a summary of the interview and does not constitute a complete review of the recorded interview:

- a. During the interview, DE LA CRUZ informed interviewing agents that she regularly visits her mother, Rodriguez-Hernandez, at the FDC. DE LA CRUZ resides in Massachusetts but drives to Philadelphia for visits. During the most recent visits, Rodriguez-Hernandez has been requesting that DE LA CRUZ bring her "something." Rodriguez-Hernandez never directly referred to what she was requesting by name. Rodriguez-Hernandez asked DE LA CRUZ to contact a friend of Rodriguez-Hernandez's who provided DE LA CRUZ with the 18

Buprenorphine and Naloxone 8mg Sublingual (Suboxone) films and instructed DE LA CRUZ on how to smuggle the narcotics into the FDC. DE LA CRUZ noted that she was aware that she was bringing drugs into FDC Philadelphia and that she knew this was wrong. De LA CRUZ purchased the Suboxone with her own money.

10. Suboxone and its component Buprenorphine are Schedule III controlled substance, the possession of which without a prescription by a licensed medical practitioner is illegal. Suboxone is considered contraband by the Federal Bureau of Prisons and Title 18 U.S.C. § 1791(a)(1), (d)(1)(C) and (D).

CONCLUSION

11. Based on the above facts, there is probable cause to believe that DE LA CRUZ possessed, conspired to, and attempted to provide to an inmate at a federal detention and correctional facility a controlled substance.

12. Based on the foregoing, your affiant submits that there is probable cause for the arrest of WANDERIS DE LA CRUZ.

Respectfully submitted,

/s/ Robert Roth

Robert Roth
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to telephonically

on _____, 2024

PAMELA A. CARLOS

Digitally signed by
PAMELA A. CARLOS
Date: 2024.07.19
11:39:16 -04'00'

HON. PAMELA A. CARLOS
United States Magistrate Judge